

HOUSE No. 1867**The Commonwealth of Massachusetts**

PRESENTED BY:

Martin J. Walsh*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Modernizing and Protecting the Unemployment Insurance System.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	13th Suffolk
Brian P. Wallace	4th Suffolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Michael F. Rush	10th Suffolk
Angelo J. Puppolo, Jr.	12th Hampden
Willie Mae Allen	6th Suffolk
Pam Richardson	6th Middlesex
Elizabeth A. Malia	11th Suffolk
Joyce A. Spiliotis	12th Essex
Denise Provost	27th Middlesex
Kevin G. Honan	17th Suffolk
Frank I. Smizik	15th Norfolk
Alice K. Wolf	25th Middlesex
Robert J. Nyman	5th Plymouth
James Dwyer	30th Middlesex
Denis E. Guyer	2nd Berkshire
Mark V. Falzone	9th Essex
Thomas M. Stanley	9th Middlesex
Kay Khan	11th Middlesex

James J. O'Day

Sean Garballey

14th Worcester District

23rd Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT MODERNIZING AND PROTECTING THE UNEMPLOYMENT INSURANCE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1(w) of chapter 151A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word “quarter” in the first sentence, the following words:--

; provided further, that if the individual has worked for 15 or more weeks and such deeming renders the individual ineligible for unemployment benefits, the amount shall be equal to one twenty-sixth of the total wages.

SECTION 2. Section 14(a) of said chapter 151A, as so appearing, is hereby amended by striking out paragraph (4) and inserting in place thereof the following paragraph:-

“Unemployment insurance taxable wage base”, with respect to calendar years beginning on or after January 1, 2012, the term “unemployment insurance taxable wage base” shall mean 52 times 57.5 percent of the average weekly wage as determined annually in section 29(a).

SECTION 3. Section 25(e) of said chapter 151A, as so appearing, is hereby amended by striking out, in lines 112-114, the words, “and in each of said weeks has earned an amount equivalent to or in excess of the individuals’ weekly benefit amount after the individual has left work,” and replacing it with the following words:--

and has earned an amount equivalent to or in excess of eight times the individual’s weekly benefit amount after the individual has left work.

SECTION 4. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by inserting in the third paragraph after the word “involuntary”, in line 142, the following words:-

Leaving employment due to the illness or disability of a member of the individual’s immediate family shall be deemed to be an involuntary separation.

22 SECTION 5. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by
23 striking out the eighth and ninth paragraphs.

24 SECTION 6. Said section 25(e) of said chapter 151A, as so appearing, is hereby further amended by
25 striking the last paragraph.

26 SECTION 7. Section 29(b) of said chapter 151A, as so appearing, is hereby amended by adding at the
27 end thereof the following sentence:--

28 Nothing herein shall permit a reduction of benefits solely because an individual leaves a subsidiary part-
29 time job during his or her base period.

30 SECTION 8. Section 30(c) of said chapter 151A, as so appearing, is hereby amended by striking out the
31 first paragraph and inserting in place thereof the following paragraph:-

32 If in the opinion of the commissioner, it is necessary for an unemployed individual to obtain further
33 industrial, vocational, adult basic education, general equivalency diploma or English for speakers of a
34 second language training to realize sustainable employment, the total benefits which that individual may
35 receive shall be extended by up to 26 times the individual's benefit rate, if the individual is attending a
36 retraining course approved by the commissioner, and if the training program shall be completed within 2
37 years or within 3 years if the program includes a combination of adult basic education, general
38 equivalency diploma or English for speakers of other languages with vocational or industrial training;
39 provided that no English for speakers of other languages program shall be denied approval under this
40 section solely because it is not combined with another program. These additional benefits shall be paid to
41 the individual only when attending the course and only if the individual has exhausted all rights to regular
42 and extended benefits under this chapter and has no rights to benefits or compensation under this chapter
43 or under any other state unemployment compensation law or under any federal law. This extension shall
44 be available only to individuals who have applied to the commissioner for training no later than the
45 fifteenth week of a new or continued claim, but the commissioner shall specify by regulation the
46 circumstances in which the 15-week application period shall be tolled, including, but not limited to, where
47 staff of the division of unemployment assistance, or its agents, have given the applicant misinformation
48 that causes the applicant to miss the 15-week deadline; the applicant is working with, or has attempted to
49 initiate a working relationship with, a one-stop career center for the purpose of securing a spot in a
50 training program, but has not yet been able to enroll in an appropriate program; the applicant needs to
51 address the physical, psychological and legal effects of domestic violence; and other good cause to be
52 determined by the commissioner. The claimant shall begin training in the first available appropriate
53 program for which funding is available and which is a reasonable distance from the claimant's residence,
54 as determined by the commissioner, but the commissioner, in his discretion, may extend the period once
55 for not more than two weeks for any applicant whose initial application is denied. Any benefits paid to an
56 individual under this paragraph which would not be chargeable to the account of any particular employer
57 under section 14 shall be charged to the solvency account. An individual eligible to receive a trade
58 readjustment allowance under Chapter 2 of Title II of the Trade Act of 1974, 19 USC 2251-2322, as
59 amended, shall not be eligible to receive additional benefits under this section for any week in which the
60 individual receives this trade readjustment allowance. An individual eligible to receive emergency
61 unemployment compensation, under any federal law, shall not be eligible to receive additional benefits
62 under this section for any week in which the individual receives that compensation.

63 SECTION 9. Section 47 of said chapter 151A, as so appearing, is hereby amended by inserting after the
64 fourth paragraph the following paragraph:-

65 The receipt of any notice of termination of employment or of any substantial alteration in the terms of
66 employment within six months after an employee has provided evidence in connection with a claim for
67 benefits under this chapter, or has testified at any hearing conducted under any provision of this chapter,
68 shall create a rebuttable presumption that such notice or other action is a reprisal against the employee for
69 providing evidence. Such presumption shall be rebutted only by clear and convincing evidence that such
70 employer's action was not a reprisal against the employee and that the employer had sufficient
71 independent justification for taking such action, and would have in fact taken such action, in the same
72 manner and at the same time the action was taken, regardless of the employee's providing evidence in
73 connection with a claim for benefit under this chapter. An employing unit found to have threatened,
74 coerced or taken reprisal against any employee pursuant to this paragraph shall rescind any adverse
75 alteration in the terms of employment for such employee and shall offer reinstatement to any terminated
76 employee and shall also be liable for damages and costs of the suit, including a reasonable attorney's fee.

77 SECTION 10. Section 71 of said chapter 151A, as so appearing, is hereby amended by striking out the
78 second paragraph and inserting in place thereof the following paragraph:-

79 Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original
80 determination, in the manner prescribed in this chapter with respect to notice of an original determination.
81 If the amount of benefits would be increased upon such redetermination an appeal therefrom solely with
82 respect to the matters involved in such increase may be filed in the manner and subject to the limitations
83 provided in sections 39 to 40, inclusive. If the amount of benefits would be decreased upon such
84 redetermination, the matters involved in such decrease shall be subject to review in connection with an
85 appeal by the claimant thereon or from any determination upon a subsequent claim for benefits which
86 may be affected in amount or duration by such redetermination. Any proposed decrease or increase of the
87 amount of benefits based upon such a redetermination shall not take effect if any party seeks timely
88 review in accordance with section 39(b). Subject to the same limitations and for the same reasons, the
89 commissioner may reconsider the determination in any case in which a decision has been rendered by the
90 board of review or a court, and may apply to said board or such court which rendered such decision to
91 revoke or modify such decision and the board of review or court may affirm, modify or revoke such
92 decision.